

SENATE BILL REPORT

HB 1218

As of March 18, 2009

Title: An act relating to imprisonment for contempt of court cases.

Brief Description: Changing the requirement that contempt of court sanctions be served in the county jail.

Sponsors: Representatives Goodman, Klippert, O'Brien, Ross, Simpson and Williams.

Brief History: Passed House: 2/23/09, 95-0.

Committee Activity: Judiciary: 3/20/09.

SENATE COMMITTEE ON JUDICIARY

Staff: Lidia Mori (786-7755)

Background: A judge or court commissioner may impose sanctions for contempt of court. The sanctions may be either punitive or remedial.

Punitive sanctions are imposed to punish a past contempt of court. A prosecuting or city attorney, on the attorney's own initiative or at the request of an aggrieved person or judge, must file an action to impose a punitive sanction. After a hearing, the court may impose a punitive sanction of either a fine of up to \$5,000 or imprisonment in the county jail for not more than one year, or both.

Remedial sanctions are imposed to coerce performance with a court order. A court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of an aggrieved person. Remedial sanctions include imprisonment, a forfeiture not to exceed \$2,000 for each day the contempt continues, or other orders to ensure compliance.

A judge presiding in an action may immediately and summarily impose either a remedial or punitive sanction for a contempt of court committed in the judge's presence in order to preserve the dignity and order of the court. Punitive sanctions that may be imposed under these circumstances include a fine of up to \$500 or imprisonment in the county jail for up to 30 days, or both.

Summary of Bill: The contempt of court statute is revised to allow detention imposed for contempt of court to be served in any jail, not just in the county jail.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.